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## Review Article

# Drug-facilitated sexual assaults: An impediment to the progression of Indian society

Divya Sajeev <sup>1,\*</sup><sup>1</sup>Dept. of Life Sciences, Christ deemed-to-be University, Bengaluru, Karnataka, India

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## ABSTRACT

Globally, the number of crimes aided by drugs is rising. Both industrialized and developing nations are seeing an increase in the use of date rape medications. Any drug that can be used to facilitate the commission of a sexual assault is referred to as a date rape drug. Alcohol and other drugs, including gamma-hydroxybutyric acid, ketamine, and benzodiazepines, are frequently used in both sexual and nonsexual acts of violence. The most common types of date rape drugs include Rohypnol, GHB, and Ketamine. These drugs can cause dizziness, confusion, loss of consciousness, and memory loss, making it easier for perpetrators to commit a sexual assault without the victim's knowledge or consent. Before committing the crime, the offender gives the booze or mixes the narcotics with meals or other beverages. DFSA (Drug-facilitated Sexual Assault) cases in India pose several challenges, including the lack of awareness and understanding of the issue, the difficulty in detecting and proving the presence of date rape drugs, and the inadequate support and resources available to victims. However, several solutions can be implemented, such as increasing public awareness through education and campaigns, strengthening laws to address the issue of date rape drugs specifically, providing better training to law enforcement agencies, improving access to medical care for victims, and increasing support and resources for survivors of sexual assault. These measures can help address the challenges and provide justice to the victims of DFSA cases in India. Therefore, I will be reviewing and explaining the various date rape drug types that are widely used in India, their mode of action on the human body, resulting effects, and the increasing number of challenges faced by our Indian society due to the emerging number of DFSA cases.

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## 1. Introduction

Sexual assault definitively refers to a situation where one person deliberately touches another persons' intimate parts or forces them to participate in sexual activity, against their will or without their agreement. Acts of sexual violence include forcing a child into sexual activity, touching someone inappropriately, penetrating them without their consent either vaginally, anally, or orally or via the use of drugs, or subjecting them to sexual torture. Drug-facilitated sexual assault, also known as date rape, is a form of sexual

assault in which a person is given a drug or alcohol without their knowledge or consent in order to facilitate sexual contact. The victim is often rendered incapacitated or unable to resist, and may not remember what happened the next day. This type of sexual assault can be particularly difficult to prove, as the victim may not remember the details of the assault or even that it occurred. It is important to note that not all instances of drug-facilitated sexual assault involve the use of a drug. Sometimes, a perpetrator will use alcohol or take advantage of an individual who is already intoxicated.

DFSA can alternatively be defined as: 'Proactive DFSA': The hidden or coerced administration to a victim of a

\* Corresponding author.

E-mail address: [sajeevdivya7a@gmail.com](mailto:sajeevdivya7a@gmail.com) (D. Sajeev).

debilitating or disinhibiting drug by an attacker for the goal of sexual assault; or, ‘Opportunistic DFSA’ is when an attacker engages in sexual intercourse with a victim who has been extremely drunk by their own behavior to the point of being almost or completely unconscious. (Padmanabhanunni & Edwards, 2013) Date rape drugs, also known as club drugs, are drugs that are sometimes used to facilitate sexual assault. These drugs are often slipped into a person’s drink without their knowledge, causing them to become incapacitated and unable to resist sexual advances or defend themselves. (Harper, 2010) Sexual assault victims who suspect drugs were secretly administered to them frequently recount memories of drunkenness that do not match the amounts of alcohol consumed, memory gaps that cannot be explained, altered levels of consciousness, and unexplainable signs of physical trauma. A few of the most common date rape drugs will be described in this paper. The most used drugs in drug-facilitated sexual assault include Rohypnol (flunitrazepam), GHB (gamma-hydroxybutyrate), and Ketamine.

## 2. Types of Date Rape Drugs and Their Effects

### 2.1. Rohypnol, or flunitrazepam

Rohypnol, or flunitrazepam, also known as Mexican Valium, circles, roofies, la rocha, roche, rope, and forget-me pill is approved for use in almost 80 countries and belongs to the ‘benzodiazepine’ class of drugs that is available in pill form, is tasteless, odorless, and colorless, and dissolves to some degree in liquid (Stark et al. 1999). Rohypnol has gained a reputation as a date rape drug due to its ability to cause sedation, amnesia, and decreased inhibitions. It can cause individuals to feel disoriented, dizzy, and confused, and may cause memory loss or blackouts. Because of these effects, perpetrators of sexual assault may slip Rohypnol into an individual’s drink in order to facilitate the assault. To induce drowsiness, sleep, or muscle relaxation; to lessen seizures and anxiety; and to induce anterograde amnesia, a desired effect for some surgical procedures, are the main purposes of benzos. (Hall & Moore, 2008) Rohypnol mentally and physically incapacitates an individual, particularly when used in combination with alcohol, and can produce anterograde amnesia.

### 2.2. GHB (*gamma-hydroxybutyrate*)

GHB also known as an easy lay, Georgia home boy, liquid X, liquid ecstasy, liquid E, grievous bodily harm, Gib, G-riffic, scoop, soap, salty water, organic Quaalude, or fantasy, is a drug that was first created in the 1920s and is found in very small quantities in the human body. It usually exists as a liquid that can be mixed with other liquids (Madea & Mußhoff, 2009). In the late 1950s and early 1960s, it was being explored as an anesthetic agent, but no

commercial goods came from these efforts. GHB (gamma-hydroxybutyrate) is a central nervous system depressant drug that can cause relaxation, euphoria, and drowsiness (Papadodima et al. 2007). It is sometimes used illicitly as a party drug or as a date rape drug. In low doses, it can cause feelings of relaxation and reduced inhibitions, but in higher doses can cause sedation, confusion, and loss of consciousness. GHB is sometimes used in sexual assault cases as a date rape drug because it can cause victims to become incapacitated and unable to resist. (Hall & Moore, 2008) It can be difficult to detect in drinks because it is colorless, odorless, and tasteless. GHB is illegal in many countries. Hence, its possession, sale, and distribution are strictly regulated.

### 2.3. Ketamine

Ketamine is a dissociative drug also known as Special K, vitamin K, and cat Valium commercially available in a clear liquid or an off-white powder form that is often injected. Ketamine is a dissociative anesthetic drug that is sometimes used illicitly as a recreational drug or as a date rape drug (Papadodima et al. 2007). It is used medically as an anesthetic in surgery and as a painkiller. Illicit use of ketamine can cause feelings of euphoria, detachment, and hallucinations. As a date rape drug, ketamine can cause victims to become disoriented, confused, and unable to resist sexual advances. It can be difficult to detect in drinks because it is odorless and tasteless (Madea & Mußhoff, 2009). Victims may experience memory loss or blackouts and may not remember the details of the assault. Ketamine causes various side effects such as increased heart rate, post-traumatic amnesia, extreme hallucinations, hypertension, delirium, etc. The fact that it induces sleep-like hallucinogenic effects, it is considered a powerful date rape drug. However, it is associated with a high risk of overdose.

### 2.4. Alcohol

Alcohol is a commonly used and legal substance that is often involved in cases of drug-facilitated sexual assault or date rape. Although it is not typically classified as a date rape drug, alcohol can impair judgment, coordination, and cognitive function, making it easier for perpetrators to take advantage of individuals under the influence. Perpetrators may use alcohol to intoxicate their victims and decrease their ability to resist or make clear decisions. They may also take advantage of individuals who are already intoxicated or provide them with additional alcohol (Stark et al., 1999). It is important to note that alcohol can affect individuals differently based on factors such as weight, gender, and tolerance, and even a moderate amount of alcohol can impair judgment and increase vulnerability. Many attackers use one of those three drugs along with alcohol. It can

boost the medicine's effects. But alcohol by itself can also keep someone from defending themselves, knowing what's happening to them, or remembering it later. In the present scenario, alcohol is most commonly consumed in clubs, dates, and parties. It has therefore become one of the most common substances criminals can use for such purposes. Numerous studies have reported that in more than 50% of sexual assault cases, the accused and/or victim were under the influence of alcohol (Singh et al., 2020).

### 3. The Use of Z-Drugs to Facilitate Sexual Assault

Zolpidem, Zopiclone, and Zaleplon are commonly referred to as Z-drugs. They are members of the latest generation of non-benzodiazepine hypnotic agents. They have anxiolytic, sleep-promoting, and muscle-relaxing effect (Stockham & Rohrig, 2010). They are suitable for use as knock-out drugs especially because of the rapid onset of their effect (within 10 to 30 minutes), but also, because they induce amnesia and can only be detected for a short time (short half-life).

### 4. Prevalence of Date Rape Drugs in Sexual Assault Cases in India

Club drugs, such as ketamine, and GHB, are becoming increasingly popular among young people in India. These drugs are often used at parties, nightclubs, and music festivals, where they are marketed to enhance the party experience and create a sense of euphoria. The use of club drugs is illegal in India, and their manufacture, sale, and distribution are strictly regulated. However, there is still a thriving underground market for these drugs, and individuals who are caught using or possessing them can face serious legal consequences.<sup>1-3</sup>

To address the growing problem of club drug use in India, it is important to increase public awareness about the risks associated with these drugs and to provide education and resources

to young people about making safe and healthy choices. It is also important to increase law enforcement efforts to crack down on the illegal manufacture and distribution of these drugs.

Additionally, healthcare providers and addiction specialists should be trained to recognize the signs and symptoms of club drug use and provide appropriate treatment and support to individuals struggling with addiction. Teenagers' usage of club drugs has grown over the past ten years, and they continue to change and develop, making it exceedingly challenging to keep track of them. Additionally, these narcotics are not detected by standard drug testing processes, which makes them popular with criminals. This growing threat is also present in India, which is going through a social revolution. Only a small amount of information is available about the prevalence of club drugs or date rape drugs in India. No extensive, systematic

data collection is done on these medications. According to a few studies that were conducted, amphetamine is primarily used in places like Goa, Gujarat, and Ahmadabad. Since newspaper articles are the primary source of information on club drugs, there is an urgent need for verifiable, reliable study data. Due to rapid urbanization and technological innovation in India, drug misuse has increased over the past few years. The younger generation is the one who uses drugs the most. The hippies based in Goa were the ones who introduced and brought in the concept of rave parties. Previously, these events served as a venue for foreigners to enjoy booze, cannabis, and music (Singh et al. 2020). Later, the culture shifted to emphasize substance misuse for both men and women equally. However, due to government intervention, substance usage has started to decline.<sup>3-5</sup>

#### 4.1. The influence of online platforms in facilitating the occurrence of sexual violence

In recent years, numerous DFSA cases are on the rise in India that majorly involves teenage girls. Surveys have found that 1.6% of teenagers, ages 12- 17 have reported serious dating violence. 0.9 % reported sexual assault and 10% of these sexual assaults were DFSA. (Harper, 2010) While social media has its benefits, it has also significantly impacted the rise in drug-facilitated sexual assault cases in India. Here are some ways in which social media has contributed to this issue:

1. *Increased access to drugs:* Social media has made it easier for people to obtain drugs, including drugs that can be used to facilitate sexual assault. Social media platforms are often used by drug dealers to advertise and sell their products, which can be purchased online and delivered to the buyer's doorstep. This has increased the availability of drugs, making it easier for perpetrators to obtain them.<sup>6-9</sup>
2. *Increased socialization:* It is easier for people to meet new people and socialize online. This has led to an increase in the number of people who go on dates with people they have met online or through social media. Unfortunately, this also means that people may be less likely to know the person they are going out with and may be more vulnerable to drug-facilitated sexual assault.
3. *False sense of security:* Social media has created a false sense of security, as people often feel that they know their online friends or followers well. This can lead to people letting their guard down and being more vulnerable to sexual assault. In addition, perpetrators may use social media to gain the trust of their victims, making it easier for them to carry out their crimes.
4. *Misuse of social media:* Some perpetrators may use social media to lure victims into situations where they can be sexually assaulted. For example, they

may create fake profiles or use online dating apps to connect with potential victims. Once they have gained their victim's trust, they may then use drugs to facilitate sexual assault. In conclusion, social media has significantly impacted the rise in drug-facilitated sexual assault cases in India. While social media has many benefits, it is important for people to be aware of the risks associated with using these platforms and to take steps to protect themselves from sexual assault.

## 5. The Legal Implications of DFSA Cases in India

Drug-facilitated sexual assaults tend to take place in our country wherein most of them are alcohol-related. Since alcohol is legally and socially accepted, it is considered as the most prevalent date rape drug. In some cases, perpetrators take advantage of the fact that an individual is drinking heavily or in other cases, the perpetrator is actively involved in ensuring that an individual gets drunk by buying drinks, encouraging her/him to drink, and pouring drinks with more alcohol than usual.

Although India does not have specific laws that address date rape, the Fifth Clause of IPC 375 includes cases of date rape in the legal definition of rape. Fifthly that includes "with her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent." Judicial interpretations have clarified that obtaining consent through intoxication also constitutes rape. Victims of date rape can use this section of the law to prove the perpetrator's guilt. In 2015, more than 34,600 rape cases were reported, of which in 33,098 cases, the perpetrators were known to the victims, according to the National Crimes Records Bureau (NCRB).<sup>10</sup>

One who by physical force or threat of serious and immediate danger forces another into extramarital intercourse or attempts an indecent act, is punished with confinement states Article 336 of the Indian Penal Code. According to Article 13 of the Penal Code, one who brings another person into a state of unconsciousness using sedative or narcotic substances, or other similar means, is considered to have exerted physical force in the commission of sexual assault following the victim's incapacitation by use of alcohol and/or drugs is further defined (Pal & Teotia, 2010; Singh et al. 2020). IPC 338 deals with grievous hurt by acts endangering the life or personal safety of others. The crime is then considered to be sexual abuse and not rape according to article 338 of the penal code.

## 6. Case Studies Based in India

In one case, a student at Delhi University who worked part-time at a well-known clothing store met someone on

a social networking site and went on a date. Although she was an educated urban woman, the man mixed drugs into her drink and raped her. Despite this, some people may still blame the woman for going on the date, as Indian culture often tends to blame women for provoking or seducing men into sexual activity (Pal & Teotia, 2010; Pillay, 2016). Women are often unfairly singled out and criticized in these situations. The drug trade in India is pervasive, and in August 2018, the Department of Revenue Intelligence (DRI) seized 265 kilograms of banned drugs, including Ketamine and Methamphetamine, which is commonly used as date rape drug, worth 37 crore rupees in Raigad and Navi Mumbai. The international narcotics racket behind the operation was said to be based in Malaysia. These drugs are commonly used to rob passengers on trains and buses and to exploit young females at youth parties. Therefore, India needs to implement strict laws regarding date rape drugs and raise awareness about the issue so that people can take precautions. India has been adopting the Western culture, including late-night partying and drinking, and this has led to people becoming vulnerable to the malicious intentions of so-called close friends (Pal & Teotia, 2010). In order to rebel against their parents and imitate Western traits, people are forgetting their own cultural values and adopt negative behaviors. As a result, India may soon become a leader in this disturbing trend, following the example of the United States.

In 2017, a 25-year-old woman was drugged and raped by her friend in a hotel room in Hyderabad. The accused mixed a sedative drug in the woman's drink which caused her to lose consciousness. In another similar case, in 2020, a 22-year-old woman was allegedly drugged and raped by two men in a hotel in Mumbai (Pal & Teotia, 2010). The accused gave her a spiked drink which made her lose consciousness, and then they raped her. These cases highlight the use of date rape drugs in sexual assault cases in India and the need for better detection, prosecution, and prevention strategies.

## 7. Challenges in Detecting and Prosecuting Date Rape Drug Cases in India

There could be numerous reasons why the detection and prosecution of date rape cases, that is, the drug-facilitated sexual assault cases are quite taxing. A few of them are mentioned below,

1. *Lack of awareness and education:* Many people in India, including law enforcement officers, healthcare professionals, and the general public, may not be aware of the signs and symptoms of date rape drug use. This can make it difficult to detect cases of drug-facilitated sexual assault.
2. *Stigma and shame:* The victims of drug-facilitated sexual assault might develop the feeling of embarrassment to come forward and report the

crime ultimately makes it difficult to gather evidence and prosecute perpetrators.

3. *Inadequate training and resources:* Law enforcement agencies and healthcare facilities may not have adequate resources or training to properly handle cases of DFSA which can result in evidence mishandling, poor victim support, and difficulty in prosecuting cases.
4. *Legal system challenges:* The legal system in India can be slow and complex, and may not always prioritize cases of sexual assault. This can make it difficult for victims to access justice and for perpetrators to be held accountable (Pal & Teotia, 2010). To address these challenges, there is a need for increased awareness and education around drug-facilitated sexual assault, as well as improved training and resources for law enforcement agencies and healthcare facilities. Additionally, the legal system in India should prioritize cases of sexual assault and ensure that victims have access to justice.

### 7.1. Strategies for addressing the problem of date rape drugs in sexual assault cases

Several solutions can be implemented to address the issue of date rape drugs in sexual assault cases in India. One effective way is to increase public awareness by educating people, particularly women, about the dangers and risks associated with these drugs so that they can take necessary precautions and avoid such situations. Another solution is to strengthen existing laws to specifically address the problem of date rape drugs, defining the use of these drugs as a criminal offense and imposing severe penalties. Law enforcement agencies should also receive specialized training to recognize and investigate cases involving date rape drugs. Improving access to medical care, including testing for the presence of date rape drugs, can also help identify cases and provide evidence for prosecution. Additionally, it is essential to provide increased support to victims of sexual assault, including emotional, medical, and legal support, to ensure that they are not further traumatized during the process of seeking justice.

## 8. Conclusion

Drug-facilitated sexual assault, also known as date rape is a type of sexual assault where the perpetrator uses drugs or alcohol to incapacitate the victim in order to engage in non-consensual sexual activity. It is more accurate to refer to date-rape drugging as drug-facilitated sexual assault (DFSA). Usually, these chemicals are given to the

victim during an assault without her knowledge or consent. DFSA can occur in various settings, such as parties, bars, and even in the victim's home. Date rape drugs, such as Rohypnol, GHB, and Ketamine, are commonly used in these cases. DFSA can have severe physical and emotional consequences for the victim, including trauma, shame, and long-term health effects. Detection and prosecution of these cases are often challenging due to a lack of evidence, underreporting, and limited legal provisions. Measures such as increasing public awareness, strengthening laws, and providing support for victims are important steps toward addressing the issue of DFSA.

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## 10. Conflict of Interest

None.

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## Author biography

Divya Sajeev, Student  <https://orcid.org/0009-0001-4543-7789>

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